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Written statement* submitted by the International Humanist and Ethical Union, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[6 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The Need to End Kuriti: Harmful Traditional Practices in Nepal*

Culture can be the source of wealth that helps a society prosper, and customs, traditions and cultural celebration can provide comfort and meaning to the lives of those living in Nepal. However, in Nepal various traditional and cultural practices, known as 'Kuriti', are carried out, regardless of their brutal and degrading character and the many ways in which they undermine human rights. It is to these practices the International Humanist and Ethical Union (IHEU) and the Society for Humanism (SOCH) Nepal would like to draw attention in this statement.

In Nepal, kuriti are regarded by many as "holy" matters, forming part of the identity of a particular society. Being perceived as a vital part of Nepalese culture, they often go unquestioned within Nepali society, despite the grave suffering they cause.

Violence resulting from kuriti is one of the major social problems of Nepal. The victims are mainly members of marginalized groups, such as women, children, untouchables (according to the "caste" system) and other economically deprived members of society.

The Nepalese Ministry of Women, Children and Social Welfare has identified fifty-seven kuriti in Nepal. These include the prosecution of individuals accused of practicing witchcraft (Boksi Pratha), child marriage, forcing women to stay in a tiny hut far from their own house during the time of their menstruation (Chhaupadi Pratha) and the offering of a girl child to a Hindu temple (Deuki Pratha).

Stories of kuriti victims

Women are continuously confronted with discrimination and exploitation in the name of tradition and custom. Stories told by victims and witnesses reveal shockingly cruel and inhuman acts:

- On the 5th of April 2013, Raj Kumari Rana, a 60-year-old grandmother, was accused from within her own family of being a *boksi* (witch). A group of villagers violently grabbed her, dragged her out of the house, took off her clothes and began beating her. They tied her to a tree, fed her human excrement and poured it over her body. Consequently, they inserted a pair of scissors and a wooden stick inside her vagina. Although being surrounded by a large crowd of villagers, only one villager, Bandi Rana, questioned the accusation made against Raj Kumari. For speaking out in the defence of the accused *boksi*, the group violently attacked Rana, inflicting superficial head injuries upon him. The following day, as the incident was broadcast in the media, the police raided the village, rescuing Raj Kumari and arresting those responsible for the horrendous acts. Due to the enormous pressure on the local police and Central District Officer by the head of the Council of Ministers, Home Minister and the National Women's commission to provide justice and treatment to Raj Kumari, the case was pushed through the court system quickly and the cost of treatment was provided for by the state.

- On the 15th of August 2013, Parwati Devi Choudhary, a 45-year-old woman, was accused of being a *boksi* and killed by her neighbour Jagadish Choudhary and his family. She was blamed for the sickness of his daughter and brutally beaten for an hour by her fellow villagers, until she died from her injuries. Parwati's husband Bagan had to escape from the perpetrators to report the murder on his wife to the police. All the men associated with the murder had already fled the village and escaped punishment.

- In 2012, Ishwori Karki was unable to provide the dowry demanded by her husband's family. Following 6 months of marriage, her husband, mother-in-law and sister-in-law began physically and mentally torturing her. After prolonged abuse, her husband's family fed her poison and attempted to hang her to make it look like she had committed suicide. Fortunately, a neighbour witnessed the attack and was able to rescue Ishwori and help her to return to the safety of her father's home.

- After Jyoti Harijan gave birth to a daughter her husband became angry. He blamed his wife for giving birth to a daughter, rather than a son, and poured kerosene on her body and set her on fire. She sustained severe burns on her face and body and nearly died.

All of these stories uncover the widespread violation of human rights in the form of so called 'cultural' customs or traditions. In Nepal, every month at least one innocent woman loses her life because of superstitious and customary practices, with the government of Nepal failing to do enough to prevent this situation.

Fundamental rights in Nepal

Kuriti are not only contrary to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, but also to the Nepalese Constitution and other national legislation.

The Constitution of Nepal of 2015 guarantees the right of all-Nepalese people to live a dignified life with access to fundamental human rights. It also affirms the right to equality and prohibits any kind of discrimination within Nepalese society. Moreover, it guarantees the fundamental rights of Nepalese women. To combat discrimination against women in Nepal, the Nepalese legal system has prohibited any type of violence against women. Article 38 (3) states that "*No woman shall be subjected to physical, mental, sexual, psychological or other form of violence or exploitation on grounds of religion, social, cultural tradition, practice or on any other grounds. Such act shall be punishable by law, and the victim shall have the right to obtain compensation in accordance with law*".

The National Code of Nepal (the Muluki Ain 2020) prohibits any kind of discrimination such as on the grounds of caste, religion, gender, ethnicity and so forth.

Despite constitutional and legal safeguards, the Nepalese government should introduce a progressive law to specifically prohibit any form of kuriti. Rather than acting on a case-by-case basis, passing an 'umbrella' Act, designed to provide a general framework of prohibited practices, would provide a more effective tool in fighting impunity and rendering justice to victims.

Conclusion and recommendations

Harmful traditional and cultural practices are continuing to occur due to a patriarchal society, impunity and sometimes unconcerned local attitudes towards human rights in Nepal.

In order to fight impunity, further legislation and existing legislation should be thoroughly implemented and perpetrators held accountable. The patriarchal system which dominates Nepal should be shaped into a system of total gender equality (as already exists on paper).

Nepalese society is overwhelmingly superstitious and adheres to strict traditional Hindu practices. When superstitions are not questioned, practices that are inherently harmful are often allowed to flourish. Kuriti not only violate basic human rights, they also pull a society backwards. The existence of harmful cultural customs is an obstacle to development, and the eradication of harmful customs is a prerequisite to building a society where equality and human rights are guaranteed for all. Because harmful cultural practices and kuriti are so often based superstition and deeply embedded in local culture and tradition, the solutions for preventing and combatting them will necessarily involve a multi-targeted approach, including legal sanctions, awareness-raising and educational measures. What is clear however is that the practice forced upon girls works in diametric opposition to all understandings of human rights and the international community, in tandem with Nepal, has an obligation to combat them.

Some recommendations:

- All states have the obligation to exercise due diligence to prevent, investigate and punish acts of violence against women, children and minorities. Nepal should ensure that those who have suffered torture, or other cruel, inhuman or degrading treatment as a consequence of kuriti are granted compensation and any necessary rehabilitation services.

- As shown above, the factors involved in perpetuating Kuriti are complex and often grounded in social, cultural and traditional conventions supported and promoted by local communities. Accordingly, legal prohibition on its own will be insufficient. Laws and international regulations against the practice need to be complemented by education and public awareness-raising activities.

- Information campaigns must be implemented in order to educate and mobilize public opinion against harmful traditional and cultural practices. Health and education practitioners, law enforcement agencies and the judiciary should be informed about the negative implications of kuriti on the health, well-being and human rights. They also should be legally obliged to report kuriti when they come across them.

- More should be done at the international level to encourage exchange of information and good practices. States should collect and share data on the prevalence and trends in harmful traditional practices.

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*Society for Humanism (SOCH) Nepal - NGO without consultative status, also shares the views expressed in this statement.